



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

944 FIRST APPEAL NO. 312 OF 2003

Linguji S/o Masnaji
Age: 46 years, Occu: Service
and Agriculture,
R/o Kandhar, Tq. Kandhar
Dist. Nanded

...Appellant

VERSUS

1. State of Maharashtra
Through Collector, Nanded
 2. Special Land Acquisition Officer,
Kandhar, Minor Irrigation Works
in the office of Collectorate, at Nanded
- ...Respondents

...
Ms. Reddy Ranjana D., Advocate for Appellant
Mr. V. V. Jahagirdar, AGP for Respondents/State

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 17.01.2026

ORAL JUDGMENT :-

1. This Appeal has been preferred by the appellant-claimant against the judgment and award dated 10.07.2002 passed by the learned Land Reference Court, Nanded, in L.A.R. No.281 of 1997, by which the claimant's claim for enhancement of compensation was dismissed.

2. The agricultural land bearing Block No.131/1 admeasuring 12 Are, Block No.132 admeasuring 44 Are, Block

No.135/B admeasuring 67 Are along with a well situated thereon at village Banderpura, Tq. Kandhar, Dist. Nanded was acquired by the State Government for the purpose of construction of the Banderpura bridge at Kandhar, pursuant to the notification dated 31.07.1986 as per Section 4 of the Land Acquisition Act, 1894 (for short L. A. Act) The Special Land Acquisition Officer passed an award on 14.09.1989.

3. Learned advocate for the appellant-claimant pointed out the pleadings, the evidence on record, the grounds raised in the appeal, and the reasons and findings in the impugned judgment. He submitted that the compensation awarded by the Special Land Acquisition Officer was meager. However, the learned Reference Court failed to consider the sale exemplars at Exhibits-32, 37 and 52. It is pointed out that the land covered under the sale exemplar at Exhibit-37, dated 09.05.1986, admeasuring 28 Are of Survey No.219/A of Mauje Kandhar, was irrigated land and was sold for a consideration of Rs.45,000/- i.e., Rs.1607/- per Are on which betel leaves were cultivated. She further pointed out the sale exemplar at Exhibit-32, dated 11.06.1986, admeasuring 52 Are from Survey No.137/G of Mauje Bijewadi, was sold for a consideration of Rs.40,000/-. She further pointed out the sale exemplar at Exhibit-

53, dated 03.03.1986, admeasuring 18 Are land, was sold for a consideration of Rs.5,000/- which reflected the lowest price, and even the said exemplar was not believed by the learned Reference court. She also pointed out that the Special Land Acquisition Officer awarded only Rs.6,000/- towards the value of the well, which is meager amount. She submitted that the sale exemplar at Exhibit-37 is the most reliable and comparable exemplar, as it reflects the highest value amongst the other sale exemplars. The land covered under the said exemplar was irrigated, and the claimant's land, having water facility of a well, was also irrigated land. She lastly prayed to allow the appeal.

4. The learned AGP for the State strongly opposed the appeal and submitted that the sale exemplars at Exhibits-32, 37 and 53 were rightly discarded by the learned Reference Court. He further submitted that the compensation of Rs.6,000/- awarded by the S.L.A.O. towards the old well is sufficient and reasonable. He therefore submitted that no interference is warranted in the impugned judgment and prayed to dismiss the appeal.

5. On perusal of the Record and Proceedings, particularly the impugned judgment, and the grounds of objections of appeal, this

Court finds that the sale exemplar at Exhibit-37, dated 09.05.1986, was executed a few months prior to the acquisition proceedings and it reflects the highest price, whereby agricultural land admeasuring 28 Are was sold for a consideration of Rs. 45,000/-. The said land was irrigated land as betel leaves were cultivated thereon. The said sale exemplar can be safely relied upon. However, the learned Reference Court gave erroneous reasons while disbelieving the said sale exemplar stating that it related to irrigated land by holding that the acquired land of the claimant is Jirayat and it is situated at a distance of about one kilometer away from the land in said sale exemplar and some nearby lands were converted to non-agricultural use and had schools and temples in the vicinity of it. The claimant's land was similarly situated near the non-agricultural land having water facility of well which was also acquired. Only relying upon the observations of the S.L.A.O. in the award, the learned Reference Court erred in holding that the claimant's land was not irrigated. It is well settled that merely because a farmer does not cultivate commercial crops such as sugarcane or vegetables etc., it cannot be presumed that the said land is not irrigated. It depends upon the facts situation of each farmer, particularly the financial position, availability of market for selling such commercial crops, guidance and knowledge relating to

agricultural produce etc. All these aspects were not considered by the learned Reference court. No justifiable and acceptable reasons are given for refusing to award enhanced amount of compensation to the claimant as per the sale exemplar at Exhibit-37. Therefore, the claimant is entitled to enhanced amount of compensation for his acquired land @ Rs.1607/- per Are as per the sale exemplar at Exhibit-37. As far as the well is concerned, the Special Land Acquisition Officer awarded only Rs.6,000/- which is not justified. Considering that the acquisition is of the year 1986, the reasonable market value of the said well would be Rs.20,000/-. Accordingly, the claimant is entitled to additional compensation of Rs.14,000/- towards acquisition of well. Hence, interference is warranted in the impugned judgment. The impugned judgment and award deserves to be set aside. The appeal deserves to be allowed. Hence, the following order:

::ORDER::

- I. The First Appeal is allowed.
- II. The impugned judgment and award is set aside.
 - (a) The claimant is entitled to compensation @ Rs.1,607/- per Are for his acquired land including the earlier compensation awarded by the Special Land Acquisition Officer along with all statutory

benefits like interest, component and solatium etc., as per the Provisions of the Land Acquisition Act, 1894.

(b) The claimant is entitled to additional compensation of Rs.14,000/- for acquisition of well along with all statutory benefits like interest, component and solatium etc., as per the Provisions of the Land Acquisition Act, 1894.

III. It is clarified that the appellant / claimant is not entitled to the interest for the period of delay, if any is condoned by this Court.

IV. The respondent is directed to deposit the enhanced amount of compensation along with all statutory benefits like interest, component and solatium etc., within 12 weeks.

V. If court fee is not sufficiently paid, the appellant shall pay deficit court fee. On receiving the same, the enhanced amount of compensation be paid to the claimant.

VI. Award be drawn up accordingly.

VII. Pending civil applications, if any, stand disposed of.

VIII. Record and Proceedings be sent back.

[SANJAY A. DESHMUKH, J.]

HRJadhav